

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLAUDETTE de LEON

Plaintiff

Vs.

CRAWFORD CENTRAL SCHOOL DISTRICT
CRAWFORD CENTRAL SCHOOL BOARD

Defendants

MICHAEL E. DOLECKI, SUPERINTENDENT

Defendant

CHARLES E. HELLER, III, ASSISTANT
SUPERINTENDENT

Defendant

(NO. 05-126E)

Document:

Motion to Compel
Plaintiff to Produce
Income Tax Returns for
the Years 2004 and
2005

Filed on behalf of
Defendants by:
ANDREWS & BEARD

Roberta Binder Heath, Esquire
Pa.Id. No. 50798

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|------------------------------------|---|---------------|
| CLAUDETTE de LEON |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| Vs. |) | (NO. 05-126E) |
| |) | |
| CRAWFORD CENTRAL SCHOOL DISTRICT |) | |
| CRAWFORD CENTRAL SCHOOL BOARD |) | |
| |) | |
| Defendants |) | |
| |) | |
| MICHAEL E. DOLECKI, SUPERINTENDENT |) | |
| |) | |
| Defendant |) | |
| |) | |
| CHARLES E. HELLER, III, ASSISTANT |) | |
| SUPERINTENDENT |) | |
| |) | |
| Defendant |) | |

**SECOND MOTION TO COMPEL PLAINTIFF TO PRODUCE
TAX RETURNS FOR 2004 AND 2005**

AND NOW, comes Counsel for Defendants, Crawford Central School District and Crawford Central School Board, Michael E. Dolecki, Superintendent, and Charles E. Heller, III, Assistant Superintendent, relative to filing this Motion to Compel Plaintiff to Produce Tax Return for 2004 and 2005, which information is relevant to this lawsuit relative to Plaintiff's credibility and mitigation of damages, and in support there of, state the following:

1. Plaintiff's Amended Complaint specifically request damages including back and front pay, compensatory damages under various theories pursuant to Title 7 of the Civil Rights Act of 1964, as amended, and the

Americans With Disabilities Act. (See Plaintiff's amended Complaint that Requests for Relief)

2. Defendants herein incorporate by reference the initial Motion to Compel Plaintiff to Produce Tax Returns for the Years 2003 through 2005 and supporting brief as if fully set forth at length.

3. Plaintiff produced the following information relative to wages she allegedly claimed for the 2003-2005 years:

- a. W-2 Wage and Tax Statement for the year 2005 from the Telatron Marketing Group, Inc.
- b. W-2 Wage and Tax Statement for the year 2005 from the Erie City School District.
- c. Statement for Recipients of Pennsylvania Unemployment Compensation Benefits.
- d. W-2 Wage and Tax Statement for the year 2003 from the Crawford Central School District.
- e. Individual Income Tax Return for the Year 2003.
(See, Exhibit "A")

4. This information is at odds with Plaintiff's testimony concerning her work at a club playing piano and teaching salsa dancing and taking care of a woman with cancer. Nowhere in the information produced are those jobs and compensation for same addressed.

5. Defendants have reason to doubt Plaintiff's credibility. Thus, it appears that no less intrusive method exists to accurately verify wages, at least reported wages, for the period in question.

6. Plaintiff freely provided her 2003 tax return and provides no explanation why she refuses to provide either complete wage information for 2004 and 2005 or the tax returns.

7. This information is relevant and the proper subject to discovery in a Title VII Action, particularly where back pay is at issue. These tax returns provide information relative to mitigation of damages and also as to Plaintiff's credibility concerning the work that she had performed and the length of time she performed said work in the amount of compensation she received for the work to which testified about at her deposition. Plaintiff can cite no legal precedent and has failed to cite any legal precedent which would limit Defendant's ability to obtain the tax returns in this Title VII Action.

WHEREFORE, we respectfully request of this Honorable Court mandate Plaintiff's compliance with this Subpoena previously served and have her Compel the Income Tax Returns for the years 2004 and 2005.

Respectfully submitted:

ANDREWS & BEARD

/s/Roberta Binder Heath, Esq.
Pa. I.D. No. 50798

Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned attorney does hereby certify that the foregoing Motion to Compel Plaintiff's Cooperation, or in the alternative, Motion to Compel Plaintiff to Produce Income Tax Return for the years 2004 and 2005 has been served as follows on this the 31st day of May 2006.

Regular U.S. Mail

Caleb L. Nichols, Esquire
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ANDREWS & BEARD

/s/Roberta Binder Heath, Esquire
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